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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,578	02/12/2001	William L. Chenevich	11416-742001	9721
26191	7590	11/05/2004	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA 60 SOUTH SIXTH STREET MINNEAPOLIS, MN 55402			RUDY, ANDREW J	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,578

Applicant(s)

CHENEVICH ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-23 are pending. Claims 1-11 are still withdrawn from consideration. This Office Action supplants the previous Final Office Action mailed August 3, 2004. Applicant did not receive the previous Office Action in its entirety.
2. Applicant's April 22, 2004 submission of the Information Disclosure Statement and Supplemental Information Disclosure Statement is noted. However, no art accompanied these statements. Thus, the art has not been reviewed. It is suggested that due the sheer volume of the art Applicant desires the Examiner to review that the relevance of each be commented upon if Applicant attempts to have these statements reviewed.

Drawings

3. The drawing was received on June 24, 2002. This drawing is acceptable. Overall, however, the Applicant's drawings are not deemed acceptable in relationship to the descriptive portion of the specification and the claims. For example, where is a financial clearinghouse disclosed in the drawing figures as recited in the claims 17 and 21? The specification discusses common knowledge clearing houses, e.g. Federal Reserve Bank from page 33, lines 3-5, but these do not appear in the drawing figures. The Examiner is left to speculate as to whether it is element 292 disclosed in the present Application. Other issues, e.g. payment nodes, are similar in nature and have not been corrected. No new matter may be entered.

Claim Rejections - 35 USC § 112

4. Claims 12-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant does not disclose a settlement computer coupled to a plurality of remote payment modes by a communications network, aggregating payment information comprising payment values, remote payment parties, number of payments and number of payment values from the “DETAILED DESCRIPTION” of the specification in juxtaposition to the drawings. It is noted the “SUMMARY OF THE INVENTION” discusses briefly discusses payment nodes. As is, it is not clear how the claim language is supported by the specification as a whole. Applicant is required to specifically point out the specific portions of the present application where support for the claim language may be found. No new matter may be added.

Applicant’s REMARKS that the Examiner admits that the claims have word-for-word written description support in the Summary of the Invention has no support from the previous Office Action. The comment that the ““SUMMARY OF THE INVENTION” discusses briefly discusses payment nodes” does not support these REMARKS. Applicant is invited to particularly point out where such statement was made in the previous Office Action. Also, regarding Applicant’s REMARKS, under the 35 U.S.C. 112 portion, Applicant’s reference to a

settlement computer 20 is noted. However, no such language “settlement computer 20” is present in the descriptive portion of the specification. Applicant’s written description, e.g. page 10, line 24 to page 23, line 4; page 32, line 19 to page 34, line 7; or page 34, line 19 to page 35, line 25, referenced does not clearly support the claim language recited by Applicant. Specific support for the claim language in juxtaposition to the descriptive portion of the specification and drawings is required. As is, the claim language in relationship to the other portions of the disclosure is not clear to the Examiner.

It is noted that from Applicant’s specification, page 34, line 23, “bus322” needs correction.

Claim Rejections - 35 USC § 103

5. Claims 18-23, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor et al, US 6,202,054.

Lawlor discloses a system used with financial institution for payment transactions comprising a payment manager computer system, e.g. 52, coupled to a plurality of remote payment nodes, e.g. col. 54, in a communications network, e.g. Fig. 1, where payments may be aggregated, e.g. col. 32, lines 18-37, Fig. 9. In broad scope and content the payment nodes may be viewed Lawlor does not disclose the term settlement computer or financial clearinghouse. To have provided the computers of Lawlor to comprise a settlement computer or common knowledge financial clearing houses would have been obvious to one of ordinary skill in the art.

Doing such would implement common knowledge within the financial processing art. Regarding claim 23, this would have appeared an obvious factor multiplication for one of ordinary skill in the art.

6. Further pertinent references of interest are noted on the attached PTO-892.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Joseph Rudy
October 28, 2004